

A regular meeting of the Troy Building Code Board of Appeals was held Wednesday, April 7, 2004 at City Hall in the Lower Level Conference Room. Ted Dziurman, Chairman, called the meeting to order at 8:30 A.M.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Ginny Norvell, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 3, 2004

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 3, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. JOSEPH NIMAN, JR. 1225 EQUITY, HELLER MACHINE TOOLS, for relief of the Sign Ordinance to maintain two (2) additional 98-square foot wall signs installed without the required permits.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain two (2) additional 98-square foot wall signs installed without the required permits. Section 9.02.05 B of the Ordinance permits one primary wall sign at this location, not to exceed 100 square feet in size. There is an existing sign on the east side of the building that is 98 square feet in size. The additional signs on the west and south elevations exceed the number of signs permitted by the Ordinance.

Mr. Joseph Niman was present and stated that after they had constructed an addition to their building, they felt that identification was very difficult for traffic approaching from the west and for airport traffic from the south. Mr. Niman went on to explain that these new signs are identical to the existing sign and was under the impression that they were allowed to put up one sign on each side of the building.

Mr. Dziurman asked why these extra signs were needed, and Mr. Niman informed him that he feels they are needed for identification purposes. Mr. Dziurman asked if visitors to this building had indicated that they had a problem finding the location, and Mr. Niman said that some people had said they had a difficult time.

ITEM #2 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Kessler asked who comes to this facility. Mr. Niman said they are an automotive-based company and deal with suppliers and have a flow of technical customers. Mr. Kessler asked approximately how many people come to the facility for the 1st time on a weekly basis and Mr. Niman said he thought it would be between 10 and 15. Mr. Niman also said that they have a number of engineering type people, and also have training sessions and demonstrations. Mr. Kessler said that he did not have any problem identifying this building, as it is one of the largest buildings in the area. Mr. Niman agreed that coming from the east, the identifying sign was sufficient, however, from the west and south, he feels that identification is quite difficult.

Mr. Nelson asked if there were any ground signs at this location and Mr. Niman said they did not have any ground signs at this time.

Mr. Zuazo asked what the purpose of the sign on the South side of the building was and Mr. Niman said that is to identify their location to traffic coming into the airport.

Mr. Dziurman asked if they could put a ground sign and Mr. Stimac said that they could put up a ground sign up to 100 square feet. Mr. Niman said they would prefer to forgo the ground sign and put up the additional wall sign. He feels that the wall signs are more aesthetically pleasing than a ground sign. Mr. Dziurman suggested that in lieu of the ground sign a variance could be granted for an extra wall sign.

Motion by Nelson
Supported by Kessler

MOVED, to grant Joseph Niman, Jr., 1225 Equity, Heller Machine Tools, relief of the Sign Ordinance to maintain one (1) additional 98-square foot wall sign installed without the required permit.

- Petitioner may choose which sign he wishes to remove.
- Petitioner requests this sign in lieu of a ground sign.

Yeas: All – 5

MOTION TO GRANT VARIANCE FOR ONE (1) ADDITIONAL WALL SIGN CARRIED

ITEM #3 – VARIANCE REQUEST. HONIGMAN, MILLER, SCHWARTZ & COHN LLP ON BEHALF OF E-Z STORAGE, 1320 E. BIG BEAVER, for relief of Chapter 78 to replace an existing ground sign.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace an existing ground sign, which is 108 square feet in size and 15' in height, and replacing it with a sign that is measured as 306 square feet in size (153 square feet on each side) and 25' in height. Section 9.02.05, A of the Sign Ordinance limits the size of a primary ground sign to 100 square feet and the height to 12'. The proposed sign exceeds size and height limitations. The existing sign was granted a variance for additional height and size on November 3, 1974.

In their application for appeal the petitioner asserts that this sign is actually legally permitted by Paragraph C of Section 9.02.05 of the Sign Ordinance. In applying this Section of the Ordinance it is the opinion of the Building Department that the requirement of "set back a minimum of 200' from any street right of way" would include a 200' setback from the I-75 right of way. In addition, if this Section was applied, the sign would not comply with the requirement that it be located at least 1,000' from any sign exceeding 100 square feet in area since the Peerless Steel sign is less than 1,000' away.

There is no definition of "street right of way" within the Sign Ordinance. However, in support of the Building Departments' requirement for setbacks from the freeway, we submit reference to Paragraph L of Section 31.30.00 of the Zoning Ordinance that in reference to front yard setbacks in the M-1 (Light Industrial Zoning District) "All yards abutting upon a public street **or freeway** shall be considered as front yards for setback and open space purposes"(emphasis added).

The petitioners are also asserting that the area of the sign is being incorrectly measured. The Building Department has determined that the faces of the sign are located more than 24" apart. As such, Section 8.01.02 of the Sign Ordinance states that all faces of the sign are to be included in the computation of the sign area. Based upon that determination the sign is measured as 306 square feet. The petitioners assert that a portion of the sign faces are less than 24" apart and as such should only be measured as the area of one side of the sign.

The petitioners ask that you overturn these interpretations or in absence of such an action grant variances for the larger sign.

Mr. Abdu Murray was present representing E-Z Storage and said that they wished to replace an out-dated sign with a more contemporary sign, as well as increase visibility of this location. The present sign is located on the southeast corner of the property and is setback 25' from I-75 and over 200' from Big Beaver. The new sign will be in the exact same location with two (2) faces placed back to back. Mr. Murray explained that the primary sign already exists and they are asking to put up an additional sign that would show drivers on I-75 the location of the facility. Mr. Murray explained that the Ordinance does not define right of way but does have a definition for a street and stated that section 31.30.00 actually highlights the distinction between streets and freeway. Big Beaver provides access to this site and Mr. Murray pointed out that there is no access from I-75.

ITEM #3 – con't.

Mr. Murray also said that the total sign thickness is 36", but the sign faces were placed back to back and were only 23" apart, and therefore did not feel that the square footage of the sign should be calculated over the entire area, but should be determined by the square footage as one face.

Mr. Dziurman asked if a variance would still be required if the Board accepted Mr. Murray's interpretation of the Ordinance and Mr. Stimac said that a variance would still be required regarding the distance from the existing Peerless Steel sign.

Mr. Kessler said that he felt that the wording in the Ordinance could be argued about to the "nth" degree; however, he feels that the intent of the Ordinance is to provide some type of consistency and uniformity regarding signage throughout the City. Consistency is based on past practice and interpretation from one instance to the next. Mr. Kessler further stated that he feels that these definitions in the Ordinance are based on uniformity, interpretation and enforcement. Mr. Kessler said that he would like to see a cross section of this sign and Mr. Murray stated that a drawing had been submitted and shows that the overall width is 3' and the sign box is 1'-11" and believes that this is how the sign box should be measured. Mr. Kessler asked if the sign was flat or if it had a border around it. Mr. Murray said that the extreme out face-to-face of the sign would be 36". Mr. Kessler questioned Mr. Murray about the sign faces and Mr. Murray said that the sign faces will stick out from the sign box about 6" and said that the face is about 6 ½" thick.

Mr. Kessler said that the light assembly behind the sign is also part of the sign. Mr. Kessler said that he believes that the intent of the Ordinance is based on the overall size of the sign and believes the solution would be to reduce the size of the proposed sign.

Mr. Richnak asked if the original sign required a variance and Mr. Stimac said the original variance was granted in 1974, and felt that it would still apply if the existing sign was replaced. Mr. Stimac indicated that a variance is required for the height and size because the petitioner is now requesting to change the existing sign.

Mr. Kessler stated that presently there is a 108 square foot sign, installed with a previous variance and does not feel that there is a hardship to justify a variance for a larger sign.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Stimac stated that the petitioner is basically asking to install a new sign in this location. If the petitioner can find a way to decrease the depth of the sign from 3' to 2' and consider it as a primary ground sign, it would be measured as 153 square feet. The height and size of the proposed sign would require a variance. Mr. Murray said there is a technical difficulty with reducing the depth of the sign as it is a standard mold and if the depth were decreased the electronics behind the sign would be visible.

ITEM #3 – con't.

Mr. Richnak asked what the intent of the Ordinance was regarding keeping the width of a sign at 24". Mr. Stimac stated that when signs are placed in a "V" shape – the Ordinance states that the maximum distance is 24" and the sign is measured as a "single faced sign". Mr. Stimac also explained that the petitioner is also proposing to change the sign on Big Beaver as well as the sign along I-75. Mr. Murray stated that they plan to use brighter bulbs in the sign along I-75 and this is the reason for the thickness of the proposed sign.

Mr. Zuazo asked if the petitioner had researched other sign companies regarding options that would be available to replace this sign. Mr. Murray indicated that they had not gone to other contractors. Mr. Zuazo suggested that perhaps the petitioner could contact other contractors to determine if there are other options available. Mr. Kessler asked if smaller signs were available to the petitioner. Mr. Murray said that he felt that the problem with a smaller sign would be that it would not offer greater visibility to traffic along I-75. Mr. Murray also indicated that you could not have a sign this tall without the added width, as it would not be stable.

Mr. Kessler stated that he felt the current sign could be updated without making it any larger than the existing sign and does not see a hardship with this location.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Honigman, Miller, Schwartz & Cohn LLP on behalf of E-Z Storage, 1320 E. Big Beaver, for relief of Chapter 78 to replace an existing ground sign until the next meeting of May 5, 2004.

- To allow petitioner the opportunity to explore the possibility of putting in a smaller sign.
- To allow the petitioner the opportunity to determine if the proposed sign could be moved farther west.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MAY 5, 2004 CARRIED

ITEM #4 – VARIANCE REQUEST. KASPER ENTERPRISES, 5750 NEW KING, for relief of Chapter 78 to install three (3) wall signs at Oxford Automotive.

Mr. Stimac indicated that the petitioner is requesting relief to install three (3) wall signs at 5750 New King. The plans submitted indicate installation of two (2) wall signs, each 94 square feet in size. Section 9.02.03, A of the Sign Ordinance permits one major wall sign at this location, with a maximum size of 200 square feet.

ITEM #4 – con't.

The applicant is also proposing to install a 20 square foot tenant identification sign on the third floor of this building. Section 9.02.03, D of the Ordinance permits a 20 square foot tenant identification sign, however, it must be placed on the ground floor, on the face of the area occupied by the tenant.

Mr. Doug Jozwiak, Operations Manager for Oxford Automotive, Mr. David Brink of Harmon Signs and Mr. Larry Michael, Commercial Realtor were present. Mr. Jozwiak explained that this company is moving their World Headquarters from their Stephenson Road location into this building. Mr. Jozwiak explained that they would like to put up the second sign due to the extensive landscaping around this building and also because the building is offset from Crooks Road. Traffic coming from the north would have a difficult time identifying this building and the extra sign would increase visibility. The first floor of this building is all glass and therefore would be next to impossible to put the tenant sign on this location.

Mr. Dziurman clarified that the petitioners wish to put up two wall signs that would be less than 200 square feet and Mr. Jozwiak stated that was correct.

Mr. Richnak asked what floor this tenant would be occupying and Mr. Michael stated that they will occupy approximately 35% to 40% of the entire building. Mr. Michael further explained that they are hoping to keep expanding and eventually would like to take over the entire building. Oxford Automotive also has exclusive rights to signage on the building in their lease agreement; so another tenant could not come to the Board and ask for additional signage. Mr. Jozwiak further stated that they had signed an 10-½ year lease, which he believes shows that this Company wishes to make a long-term commitment to the City of Troy.

Mr. Kessler stated that he feels the extensive landscaping creates a hardship for the location of the tenant sign. He further stated that he thinks this is quite a nice looking site and does not feel the tenant sign would in any way detract from the appearance of this building.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant Kasper Enterprises, 5750 New King, relief of Chapter 78 to install three (3) wall signs at Oxford Automotive.

- Tenant identification sign may be placed on the third floor of this building.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #4 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. KESSIE KALTSOUNIS, REPRESENTING ST. NICHOLAS GREEK ORTHODOX CHURCH, 760 W. WATTLES, for relief of Chapter 78 to put up 30 off-site signs to advertise the up-coming OPA Fest.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival, from June 25, 2004 through June 27, 2004. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4).

Ms. Kessie Kaltsounis was present and stated that the signs would be out from June 21st through June 27th.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or complaints on file.

Motion by Richnak
Supported by Kessler

MOVED, to grant Kessie Kaltsounis, representing St. Nicholas Greek Orthodox Church, 760 W. Wattles, relief of Chapter 78 to put up 30 off-site signs from June 21st through June 27th, to advertise the up-coming OPA Fest.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- There are no complaints or objections on file.

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. ROBERT E. MOORHOUSE & ASSOCIATES, 2350 MEIJER, for relief Chapter 78 to maintain a 27 square foot ground sign, installed 2.8 feet from the right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain a 27 square foot ground sign, installed 2.8 feet from the right of way. A permit was issued for the installation of a ground sign at this location. That permit contained the stipulation that the sign be installed in compliance with Section 9.02.05 of the Ordinance requiring that a ground sign be placed a minimum of 10' setback from the right of way. Field measurements of the installed sign show that it is actually installed only 2.8 feet from the front property line.

ITEM #6 – con't.

Mr. Moorhouse was present and stated that the reason the sign was placed in this location was because after having a sign survey done it was determined that the existing sign had been placed in an easement. Mr. Moorhouse further stated that the present location of the sign is in line with three (3) other signs located along Meijer Drive. If the sign is moved back the location would be very close to the building and visibility would be reduced due to the landscaping and a "gulley" on the site.

Mr. Dziurman asked if the other signs were in compliance with the Ordinance and Mr. Stimac indicated that the Sign Ordinance had changed in 1995. Mr. Stimac asked if the petitioner could move the sign 5' farther west and approximately 7' back, which would take it out of the easement. Mr. Moorhouse explained that the sign would then be out of the easement, but this location would set it down in the existing "gulley" and if dirt was brought in to fill this "gulley" flooding problems could be created.

Mr. Zuazo asked if a platform could be constructed for this sign and Mr. Moorhouse explained that this is a corporate sign and this is the shape that is desired to create uniformity.

Mr. Kessler stated that he feels this building is in a unique location due to the number of trees, natural vegetation and also does not feel this would create a problem since the other signs on the street are in approximately the same location. Mr. Kessler also said that he feels the sign would not be visible if it had to be moved back.

Mr. Dziurman asked if the sign could be moved to the west. Mr. Stimac explained that it was possible to move the sign west and back 10' and it would be out of the easement. Mr. Richnak said that he believes if the sign is moved back drainage could be a problem.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant Robert E. Moorhouse & Associates, 2350 Meijer, a variance for relief of Chapter 78 to maintain a 27 square foot ground sign, installed 2.8' from the right of way.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:05 A.M.



Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary